

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

100-10747  
FEB 14

OFFICE OF  
MANAGING DIRECTOR

March 10, 2005

Frank O. Rizzuto, Treasurer  
ATS Mobile Telephone, Inc.  
2902 Harney Street  
Omaha, NE 68131

Re: FY 2004 Regulatory Fee  
Fee Control No. 00000RR0G-05-032  
Bill No. 0520000034

Dear Mr. Rizzuto:

This is in response to your request filed on behalf of ATS Mobile Telephone, Inc. (ATS) for waiver of the late payment penalty associated with its fiscal year (FY) 2004 regulatory fees. Our records reflect that we have received for \$1,117.44 for ATS's FY 2004 regulatory fees, but we have not yet received ATS's late payment penalty of \$279.36.

By way of explanation, you state in your late penalty waiver request that ATS's late payment is due to the lack of written notification of the 2004 regulatory fee deadline. Unlike 2004, you contend that in 2003 and previous years the FCC provided by surface mail public notice indicating the regulatory fee deadline.

The Commission takes great care to inform its licensees of the due dates, amounts of the fees, and payment methods on its web site, [www.fcc.gov](http://www.fcc.gov). For the FY 2004 regulatory fees, the Commission timely released and posted several Public Notices and news releases on its web site that informed licensees of the August 19, 2004 deadline. See *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, Report and Order, FCC 04-146 (released June 24, 2004) (FY 2004 Fee Order); Public Notice, *FY 2004 Regulatory Fee Due No Later Than August 19, 2004*, (July 2, 2004); FCC News, *Official FY 2004 Regulatory Fee, Payment Window Opens Tomorrow - Fees Due No Later than August 19* (Aug. 9, 2004) (reminding of deadline and stating that Commission would begin aggressive effort to collect fees, including 25 percent penalty, beginning August 20, 2004); Public Notice, *Deadline for Filing FY 2004 Regulatory Fees*, DA 04-2549 (Aug. 18, 2004).

Frank O. Rizzuto, Treasurer

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As a Commission licensee, ATS is charged with the responsibility to familiarize itself with the Commission's rules and requirements. As explained in the FY 2004 Fee Order, the Commission no longer disseminates public notices through surface mail. As indicated above, these notices are routinely posted on the Commission's website. Therefore, ATS's lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments does not mitigate or excuse ATS's failure to pay its FY 2004 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent of any regulatory fee not paid in a timely manner. 47 U.S.C. § 159 (c).

We find that ATS did not meet its obligation to file its regulatory fee to be received by the Commission no later than August 19, 2004, the final date of the regulatory fee filing window for FY 2004. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2004 regulatory fee.

Your late payment penalty in the amount of \$279.36 for FY 2004 is now due. The fee must be received, together with a copy of Bill No. 0520000034, within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



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Mark A. Reger  
Chief Financial Officer



# ATS

"THE BEEPER PEOPLE"  
AND SO MUCH MORE!

00000RRO8-05-032

December 14, 2004

Mr. Andrew S. Fiskel  
Room 1A-821  
455 12<sup>th</sup> St. S.W.  
Washington, D.C. 20554

Waiver Request

Dear Mr. Fiskel:

We request waiver of penalty for late filing of regulatory fees due to the fact that all prior years we have received forms for filing in the mail. This year we did not and as a result we were unaware that we were late. Fortunately we had a person who could go on the internet and retrieve the forms. We have always been on time on all previous regulatory filings.

Therefore we request waiver of the \$279.36 late payment fee.

Yours truly  
Frank O. Ryzio, Treasurer

2 by letter  
Assign to Regina  
30 by Fickler  
MNF 12/29

See attached Bill

FOR INQUIRIES CALL  
1-202-418-1995  
(Revenue & Receivable Ops Group)

Payable to:  
Federal Communications Commission  
Send a copy of this bill to:  
Federal Communications Commission  
REVENUE & RECEIVABLE OPER.  
P.O. BOX 358340  
PITTSBURGH, PA 15251-8340

## PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 08/19/04

FCN: 041101B835030001 - CALL SIGN: KBM512

PAYER ADDRESS: ATS Mobile Telephone Inc  
2902 HARNEY STREET

OMAHA, NE 68131


Please write your bill number on your remittance.

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Method:	Check	<input type="checkbox"/> (Attach)
	Credit Card	<input type="checkbox"/> (Complete Below)



**American Express**



**Discover**

Account No;

**Expiration:**

Month

Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described

# MIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

## Add/Modify Billing Information

Document Number 05200000034

IN 0002379105

American Two Way Radio Inc

Bill Date 11/02/04

Bill Amount \$279.36

Bill Type FINE

Bill Paid \$0.00

Bill Due Date 12/02/04 Lockbox 358340

Bill Balance Due \$279.36

Running Indicator Bill Cycle ☐ Waiver

Interest Due \$0.00

Referral Code ☐ Waiver

Penalty Due \$0.00

Print Seq # 00052434 Waiver Date

Admin Chg Due \$0.00

Transaction Date 01/31/05 Acct Period 04

Total Due \$279.36

Bill Description Assess penalty for late regulatory fee

Line Item Sequence	001	BFY	FUND	PROG	ORG	PROJ	BOC	TYPE
Accounting Classification Code	2005	08	90	9500	065	0199		

Product No. 0499 Quantity

1 Item Amount \$279.36

Document Status G Call Sign

Item Paid \$0.00

Transaction Code

Item Balance Due \$279.36

Reference Type Reference No. 0411018835030001 Line 001

Bureau File No.

FCC Code 1

Item Description payment not received by 08/19/04

Pay Days 360 Rate 0.00

FCC Code 2

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F6 SAVE F8 BACK F9 EXIT

1/31/2005 ARIPNL2

AR012-A  
2/22/2005  
14:44:53

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.  
RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1  
2/22/2005  
14:44:53

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
561120	11/01/04	0411018835030001	0002354801	ATS Mobile Telephone Inc	10/29/04	\$1,117.44
PTC: 0413 Seq: 1 Call Sign: KBM512 FCC Code 1: KUC839KNIP492KW FCC Code 2: 5961 Applied Amt: 476.88 Held for Credit: \$0.00 Refund Amount: \$0.00						Tin Number:
Applicant Name: ATS MOBILE TELEPHONE INC						
Address: 2902 HARNEY ST						
PTC: 0412 Seq: 2 Call Sign: KTS229 FCC Code 1: 24 Applied Amt: 6.00 Held for Credit: \$0.00 Refund Amount: \$0.00						Tin Number:
Applicant Name: ATS MOBILE TELEPHONE INC						
Address: 2902 HARNEY ST						
PTC: 0413 Seq: 3 Call Sign: WMDA406 FCC Code 1: WPGN712WPIR824W FCC Code 2: 4099 Applied Amt: 327.92 Held for Credit: \$0.00 Refund Amount: \$0.00						Tin Number:
Applicant Name: AMERICAN ANSWERING SERVICE INC						
Address: 2902 HARNEY STREET						
PTC: 0413 Seq: 4 Call Sign: WRQ507 FCC Code 1: 3833 Applied Amt: 306.64 Held for Credit: \$0.00 Refund Amount: \$0.00						Tin Number:
Applicant Name: AMERICAN TWO WAY RADIO INC						
Address: 2902 HARNEY ST						
Total Applied Admin:		\$0.00	Total Applied:	\$1,117.44	Total Receipt:	\$1,117.44